

COHEN & GREEN

September 25, 2023

Hon. Analisa Torres, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

By Electronic Mail

Re: Case No. 23-cv-1017 (AT), Erlick v. White

Dear Judge Torres:

My firm and I represent Plaintiff Eli Erlick in this case. I write under the Court's Practice III(B)(iv).

Defendant White has filed a renewed motion to dismiss after Plaintiff amended her complaint as of right in response to the first. Plaintiff is prepared to stand on the complaint, with a minor exception, given the Court's warning that failure to seek amendment may constitute waiver. Specifically, Defendant's complaints about how Plaintiff has pled damages — while Plaintiff believes they are meritless — can be addressed by itemizing further the specifics of harms. That said, because this is the second round — and this is a narrow issue — Plaintiff proposes that she respond to the motion to dismiss and simply cross move to amend on that narrow issue.

Plaintiff also asks that the Court her response to the motion and cross motion be due 30 days from any order finalizing the remaining briefing schedule. She has sought Defendant's position, but (likely because of the holidays) has not heard back before this letter was due. She has no objection to however long Defendant needs to reply.

As ever, I thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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